

SENATE BILL 1121

By Herron

AN ACT to amend Tennessee Code Annotated, Title 41, relative to correctional institutions and inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, is amended by adding the following language as a new, appropriately designated chapter:

Section 41-26-101. As used in this chapter, unless the context otherwise requires:

- (1) "Contractor " means a public entity or private entity that contracts or proposes to contract with an out-of-state jurisdiction to house out-of-state prisoners in a jail, prison, or correctional facility located in Tennessee. In the event that a public entity subcontracts with a private entity to manage and operate a correctional facility, the private entity shall be considered the contractor for the purpose of this chapter;
- (2) "Department" means the Tennessee department of correction;
- (3) "Private entity" means any private prison or jail management contractor or not-for-profit prison or jail management authority or entity;

(4) "Public entity" means any sovereign governmental jurisdiction in Tennessee; and

(5) "Out-of-state prisoners" means any prisoner detained or sentenced under the sovereign authority and statutory provisions of a jurisdiction or state other than Tennessee, but such prisoner is confined in Tennessee by a public or private entity. "Out-of-state prisoners" does not include:

(A) Prisoners in transit and/or being held by the United States Immigration and Naturalization Service, the United States Marshal Service, the United States Drug Enforcement Agency, the Federal Bureau of Prisons; or

(B) Prisoners who are in transit and spend less than twenty-four (24) hours of confinement in a facility in Tennessee.

Section 41-26-102.

(a) Notwithstanding any provision of law to the contrary, no contractor shall receive, house, or confine in any facility within this state any out-of-state prisoner convicted of an offense which would constitute first degree murder, second degree murder, aggravated rape, rape, rape of a child, escape or attempted escape pursuant to §§ 39-12-101, 39-13-202, 39-13-210, 39-13-502, 39-13-503, 39-13-522 and 39-16-605 if committed in this state.

(b) Nothing in subsection (a) shall be construed to rescind, impair or affect any contracts in effect on June 30, 2001, and shall only apply to contracts entered into, or renewed after, July 1, 2001.

Section 41-26-103. If the department determines that there exists any violation of § 41-26-102, the department shall assess a civil penalty of one hundred dollars (\$100) against such contractor for each separate violation. Each out-of-state prisoner received,

housed or confined in violation of § 41-26-102 shall constitute a separate violation. Each day of continued violation of § 41-26-102 constitutes a separate violation.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.